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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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Case No. 18-23538 (RDD)
Case No. 18-23537 (RDD)
Case No. 18-23549 (RDD)

In re:

SEARS HOLDINGS CORPORATION Et. Al.,

Debtors.

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RESPONSE TO
DEBTORS' TWELFTH
OMNIBUS OBJECTION
TO PROOFS OF CLAIMS
AND BALLOTS (NO
LIABILITY CLAIMS)

PLEASE TAKE NOTICE that creditor Weavetex Overseas (hereinafter "Weavetex") interpose the following response to the debtors' twelfth omnibus objection to proofs of claims and ballots (no liability claims).

1. Firstly, the Court should deny the debtors' twelfth objection as to Weavetex because the debtors failed to properly serve the objection upon Weavetex's attorney.
2. I filed a notice of appearance in Case No. 18-23549 under ECF Docket Number on or about November 18, 2019. A copy of the ECF Docket Number 18 is attached as EXHIBIT A.
3. Yet the twelfth objection was never served upon me by either email or regular mail. The only notification of the twelfth objection that I received was by ECF.
4. Based on this failure of the debtors to properly serve Weavetex with the twelfth objection, and failure of the debtors to follow Pursuant to section 1109(b) of the Bankruptcy Code and Rules 2002, 3017, 9007 and 9010 of the Federal Rules of Bankruptcy Procedures this Court should deny the debtors twelfth objection as to Weavetex.

5. In the present case, the present Creditor Weavetex had initially filed proof of claim # 658 in the amount of \$159,502.54 against Kmart Corporation on or about October 19, 2018 and proof of claim # 758 in the amount of \$9,139.00 against Sears, Roebuck and Co. on or about October 19, 2018 and proof of claim # 795 against Kmart Corporation in the amount of \$114,090.26 on or about October 19, 2018 and proof of claim # 797 against Sears, Roebuck and Co. in the amount of \$175,626.42 on or about October 19, 2018 for a total amount of \$458,358.22. A copy of these four claims is attached as EXHIBIT B.

6. On or about November 2, 2019, Weavetex received a Notice of Ballot to Opt-In to Administrative Expense Claims Consent Program (hereinafter "opt-in ballot"). A copy of the opt-in ballot is attached as EXHIBIT C.

7. The opt-in ballot had a unique Voter ID of 713350 for Weavetex to use if it chose to opt-in. Furthermore, the papers had a Unique E-ballot ID of 182353801043128. See Exhibit B.

8. Under this Notice Weavetex had until 4:00 pm on November 18, 2019 to decide whether to opt-in or opt-out of the Administrative Expense Claims Consent Program.

9. On or about November 18, 2019, Weavetex elected to opt-in to the Administrative Expense Claims Consent Program. A copy of the opt-in is attached as EXHIBIT D.

10. The opt-in by Weavetex was based on the proof of claim # 658, proof of claim # 758, proof of claim # 795 and proof of claim # 797 that it had filed previously and Unique E-ballot ID of 182353801043128.

11. Therefore, this shows that Weavetex had intended to opt-in for the full amount of its proof of claims for a total amount of \$458,358.22. If the opt-in by Weavetex inadvertently showed an administrative expense claim of \$0.00, then that was error and this error should not prevent Weavetex from participating in the Administrative Expense Claims Consent Program.

Moreover, the debtors already knew based on the proof of claims filed by Weavetex previously in October 19, 2018, that Weavetex was due an amount of \$458,358.22.

12. Weavetex had elected to opt-in to the Administrative Expense Claims Consent Program even though it knew that it would not receive the full amount of the claim it had asserted against the debtors. In light of this, the Court should not expunge Weavetex's proof of claims and opt-in ballot and allow it to participate in the Administrative Expense Claims Consent Program and receive the lower amount to settle its claims.

WHEREFORE, this Court should deny the debtors' twelfth omnibus objection to and ballots (no liability claims), Docket # 7301 with respect to respect to Weavetex's proof of claim # 658, proof of claim # 758, proof of claim # 795 and proof of claim # 797 and Unique E-ballot ID of 182353801043128 for a total amount of \$458,358.22.

Dated: New York, New York
March 10, 2020

/s/ Vivek Suri
Vivek Suri, Esq.

To: All Counsel of Record via ECF